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# Introduction

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## INTRODUCTION

The American law journals are recognized as performing a dual service to the profession. They are, on the one hand, mediums whereby men experienced in the law can transmit the products of that experience to other judges, practitioners, teachers and students. These periodicals provide, furthermore, opportunities for student editors to complement their formal instruction by gaining invaluable experience in the assiduous research, creative thought and careful writing which the journal "Notes" demand. It is equally important to the profession that the quality standards of both the "Leading Article" and the "Student Note" sections of these publications be kept at the highest possible level.

There is no blinking the fact that too many of the contributions to the leading article section of many journals fall short of minimum standards of scholarship. What has happened to the quality of the law journal literature is not anybody's fault. There is probably, today, just too much of it. The several scores of such publications consume between twelve and fifteen hundred articles a year. Too often these are selected less according to their quality than pursuant to the dictate of the shibboleth that every issue, to be respectable, must include two, and more properly three, signed articles. The resultant sellers' market has brought up from the sub-marginal area a sometimes discouraging collection of shallow and ill-tempered diatribes, sterile annotations of superficially related cases, and losing appellate briefs only slightly recast for the occasion. Even more regrettable is the occasional appearance of some potentially significant and constructive essay which obviously falls just one re-writing (and re-thinking) short of real greatness.

Unfortunately, this leading article obsession has had a deleterious effect upon student sections in too many journals. The traditional format sometimes seems deliberately designed to contribute to the student editors' feeling that their work need come up to only a second section, or a small print, or even a "want ad" level of quality. Morale suffers inevitably when good student material must be deleted to meet the increasing strictures of printing budgets so that whole pages of chaff may be included in the articles portion of the issue.

Now, in this Summer number of Volume 28, the *Indiana Law Journal's* board of editors has conceived an issue devoted exclusively to student material. These discussions will stand on their own feet in any company. For the most part they show that fine balance between research and constructive thinking which is the hallmark of a profession whose

members must be both artisans and architects. Here are craftsmanlike jobs of bringing blurred images—inconsistent holdings, anachronistic precedents, and vague pronouncements—into that sharp focus which permits a realization of the true form of the problem involved. If it is perhaps true that there is more, and even better, questioning here than answering, there is the realization that this is because the subjects discussed require question raising as a necessary preliminary to the subsequent propounding of sound answers in the crucible where trial and mistake form the incomparable amalgam of experience.

It would be a great loss to the profession if all issues of all law school publications were to become all-student issues. The contributions of those who can and will share the lessons of maturity and experience will remain the great monuments of legal scholarship. It will be a great boon to the profession, however, if something is done to raise the generally prevailing level of legal literature by denying print to the kind of bad writing which has recently been proving Gresham's point in this field.

The *Indiana Law Journal's* editorial board has performed, with this current issue, a doubly valuable service. It has helped break the tradition that the legal periodical must be devoted to articles, and it has shown that a quality product can be produced by a group of students who are willing to assume enlarged responsibility. The board has proved again that the interests of student writers and of practitioner readers can be served to their inestimable mutual advantage.

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